

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

PASTOR BENJAMIN A. JOHNSON, DR.  
RONALD A. LUNDEEN, and PASTOR  
ARTHUR F. HAIMERL on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

EVANGELICAL LUTHERAN CHURCH  
IN AMERICA, AND THE BOARD OF  
PENSIONS OF THE EVANGELICAL  
LUTHERAN CHURCH IN AMERICA,

Defendants.

Court File No. 11-cv-00023 (MJD-LIB)

**DECLARATION OF CHARLES C.  
JACKSON IN SUPPORT OF  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT**

I, Charles C. Jackson, declare as follows:

1. I am a partner with the law firm of Morgan, Lewis & Bockius LLP ("Morgan Lewis"), attorneys for defendant Board of Pensions of the Evangelical Lutheran Church in America (the "Board"). In my capacity as a partner with responsibility for managing the defense of this litigation, I have personal knowledge of the factual information stated in this declaration.

2. Attached as Exhibit A is a copy of the demonstrative exhibits plaintiffs used at the March 1, 2013 hearing on their motion for class certification, as received from plaintiffs' counsel.

3. Attached as Exhibit B are excerpts from the transcript of the August 1, 2012 deposition of named plaintiff Arthur Haimerl, as received by Morgan Lewis from

the court reporting service in attendance at that deposition.

4. Attached as Exhibit C are excerpts from the transcript of the August 2, 2012 deposition of named plaintiff Ronald Lundeen, as received by Morgan Lewis from the court reporting service in attendance at that deposition.

5. Attached as Exhibit D are excerpts from the transcript of the July 31, 2012 deposition of named plaintiff Benjamin A. Johnson, as received by Morgan Lewis from the court reporting service in attendance at that deposition.

6. Attached as Exhibit E are excerpts from the transcript of the January 11, 2013 deposition of John Kapanke, as received by Morgan Lewis from the court reporting service in attendance at that deposition.

7. Attached as Exhibit F is the Supplemental Expert Report of Mark Johnson, Ph.D., J.D., served on March 28, 2013, as received by Morgan Lewis from plaintiffs' counsel.

8. Attached as Exhibit G is the Corrected Report of Cobb & Associates, Ltd., served on April 25, 2013, as received by Morgan Lewis from plaintiffs' counsel.

9. Attached as Exhibit H is a letter from the Board to plan members dated November 2002, as produced by plaintiffs to Morgan Lewis during the course of this litigation.

10. Attached for the Court's convenience are copies of documents previously filed in this case including:

- a) Exhibit I, a copy of the Declaration of Rochelle Christensen and Exhibits 1 through 10, filed as Docket 173;

- b) Exhibit J, a copy of the 1997 Summary Plan Description, filed as Docket 160-6;
- c) Exhibit K, a copy of the 1997 Plan document, filed as Docket 161-17;
- d) Exhibit L, a copy of the Declaration of David Adams, filed as Docket 171;
- e) Exhibit M, a copy of the 2009 Plan document, filed as Docket 161-3;
- f) Exhibit N, a copy of the 2004 Plan document, filed as Docket 162-3;
- g) Exhibit O, a copy of the 2005 Plan document, filed as Docket 162-4;
- h) Exhibit P, a copy of the 2003 Summary Plan Description, filed as Docket 160-3;
- i) Exhibit Q, a copy of the Declaration of Christina Von Bank and supporting exhibits, filed as Docket 174;
- j) Exhibit R, a copy of the 1995 Plan document, filed as Docket 161-15;
- k) Exhibit S, a copy of the 2003 Plan document, filed as Docket 161-6.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 17th day of May 2013, in Chicago, Illinois.

s/ Charles C. Jackson  
Charles C. Jackson